**A.O. No. 433 of 2001**
**(Old No. 612/1996)**

**Hon. P.C. Pant, J.**

This appeal is directed against the order dated 22.05.1996 passed by learned Civil Judge (Senior Division), Roorkee, whereby the defendants application under Order IX Rule 13 of the Code of Civil Procedure, 1980, was rejected.

The valuation of this appeal and that of the suit has been shown to be Rs. 29,617=20. That being so, the appeal against the order is not maintainable before this Court as the appeal could have been filed before the District Judge concerned.

In the circumstances, this appeal being not maintainable is liable to be dismissed. The appeal is dismissed as not maintainable with the observation that the appeal is being dismissed without prejudice to the rights of the parties including regarding filing of the appeal before the proper forum with an application under Section 14 of the Limitation Act, 1963, which may be considered by the concerned authority on merits.

(P.C. Pant, J.)

Dt. 21.03.2006
Sweta